

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Fraser Rotchford,

Plaintiff,

v.

Department of Corrections,

Defendant.

CASE NO. 3:19-cv-05023-RJB-JRC

REPORT AND
RECOMMENDATION

NOTED FOR: JUNE 28, 2019

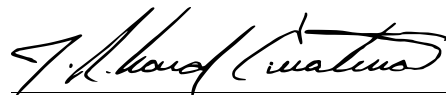
The District Court has referred this action filed under 42 U.S.C. § 1983 to United States Magistrate Judge J. Richard Creatura. Plaintiff Fraser Rotchford, proceeding *pro se* and *in forma pauperis*, initiated this civil rights action on January 9, 2019. *See* Dkt. 1. On February 21, 2019, the Court screened plaintiff's complaint and found that plaintiff failed to state a claim under § 1983. *See* Dkt. 9. The Court ordered plaintiff to show cause why the complaint should not be dismissed by March 22, 2019. *Id.* The Court warned plaintiff that failure to respond to the order would result in the Court recommending dismissal of this action pursuant to 28 U.S.C. § 1915. *Id.*

1 On April 12, 2019, the Court granted Plaintiff's request for an extension of time to
2 respond to the Court's order. Dkts. 11, 12. Plaintiff was directed to file a response to the Court's
3 order on or before May 10, 2019. Dkt. 12. The Court again warned Plaintiff that if he failed to
4 respond to the Court's order by May 10, 2019, the Court would recommend dismissal of the
5 case. *Id.* (citing Dkt. 9).

6 Plaintiff has failed to comply with the Court's order. He has not filed a response to the
7 order or attempted to file an amended complaint. As plaintiff has failed to respond to the Court's
8 order and prosecute this case, the Court recommends that this case be dismissed without
9 prejudice.

10 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
11 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
12 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
13 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
14 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on June 28,
15 2019, as noted in the caption.

16 Dated this 6th day of June, 2019.

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20 J. Richard Creatura
21 United States Magistrate Judge
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